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Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

APPENDIX A

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Catherine Satre-Buisson,	)	No. 03-73573
	)	
Petitioner,	)	Agency No.
	)	78-654-456
	)	
V.	)	ORDER
	)	
John Ashcroft, Attorney General,	)	
	)	
Respondent	)	

Petitioner's motion voluntary dismissal of this petition for review is granted. This petition for review is dismissed. *See* Fed. R. App.P.42(b).

All pending motions are denied as moot.

The certified copy of this order sent to the agency shall constitute the mandate.

For the Court

S/ Ila Deiss
Motion Attorney/Deputy Clerk
9th Cir. R. 27-7
General Orders/Appendix A

APPENDIX B

U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5201 Leesburg Pike, Suite 1300
Falls Church, Virginia 22041

Satre-Buisson, Catherine Louise
13340 Luther Road
Auburn, CA 95603

Office of the District Counsel/SF
P.O. Box 22449
San Francisco, CA 94126-6649

Name: Satre-Buisson, Catherine Louise A78-654-456

Date of this notice: 06/13/2003

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

S/ Jeffrey Fratter
Chief Clerk

Enclosure

Panel Members:

GUENDELSBERGER, JOHN
HURWITZ, GERALD S.
MILLER, NEIL P.

U.S. department of Justice
Executive Office for immigration Review

Decision of the Board of Immigration Appeals

File: A78 654 456 - San Francisco

In re: Catherine Louise Satre-Buissson

In asylum Proceedings

Appeal

On behalf of Respondent: Pro se

On behalf of service: James S. Stolley, Jr
Assistant district counsel

Application: Asylum

ORDER:

PER CURIAM. The Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service) has appealed from the July 13, 2001, decision of the Immigration Judge and granting asylum to the respondent, who is a native

and citizen of France based on her religion, Church of Scientology, and that she has a well-founded fear of persecution from non-governmental sources that the government of France is either unwilling or unable to control (I.J. at 15-20). The DHS's appeal is sustained.

On appeal, the Service contends that the respondent failed to meet the burden of showing either past persecution or a well-founded fear of future persecution in France on account of her membership and participation in the Church of Scientology. We agree with the Service that the cumulative experiences related by the respondent do not support the conclusion that she suffered persecution or that she has a well-founded fear of persecution in France. *See Matter of O-Z- & I-Z-*, 22 I&N Dec. 23 (BIA 1998) (finding persecution where alien suffered repeated beatings, received multiple handwritten anti-Semitic threats, whose apartment was vandalized by anti-Semitic nationalists, and whose son was subject to degradation and intimidation); *see also Korablina v. INS*, 158 F.3d 1038 (9th Cir. 1998) (finding past persecution, not mere discrimination, based upon the cumulative effect of Jewish alien's experiences in Ukraine); *Fatin v. INS*, 12 F.3d 1233 (3d Cir. 1993) (finding that persecution within the Act does not encompass all treatment that society regards as unfair, unjust, or even unlawful or unconstitutional); Government's Appeal Brief, March 13, 2002.

The respondent testified that she came to the United states for training and because the training was less expensive in the United-States (Tr. At 40).

She returned to her home town in France from the United-States on 11 occasions. She was never prevented from leaving France, nor was she detained upon reentering in the country. While the respondent was harassed and threatened when she returned to France, she continued to return. She was physically accosted at a funeral by members of the deceased's family. Notwithstanding this incident, the respondent did not apply for asylum during her next visit to the United States. Instead, she returned to France. On her final trip to France in December 1999, she received threatening telephone calls. In January of 2000, she was arrested on a complaint that the respondent's friend's daughter was being sexually abused. The respondent was handcuffed and questioned, but was not physically harmed. *See* I.J. at 6-7, 9-10; Form I-589, Request for Asylum in the United States, Exh. 2, Attachment.

Moreover, there has been no showing why she could not live in peace in another area of France, separate and apart from where she encountered difficulties due to her church-related activities. In short, it has not been demonstrated that the threat of persecution exists for her country-wide, even assuming such to be "on account of" an enumerated ground. *See Matter of Mogharrabi*, 19 I&N Dec. 439 (BIA 1987).

The record before us supports the conclusion that the experiences related by the respondent, including but not limited to the harassment the respondent felt to encountered, do not rise to the level that can be considered persecution. *See Fisher v. INS*,

79 F.3d 955 (9th Cir. 1995) (persecution for asylum purposes is an extreme concept, which ordinarily does not include discrimination based on race or religion, as morally reprehensible as it may be); *Ghaly v. INS*, 58 F.3d 1425 (9th Cir. 1995); *see also Bastanipour v. INS*, 980 F.2d 1129, 1133 (7th Cir. 1992) (distinguishing persecution "as distinct from mere discrimination or harassment"); *Fatin v. INS*, 12 F.3d 1233 (3d Cir. 1993), *supra*.

The respondent has failed to show that her fear of persecution in France is presently well-founded. *Matter of Mogharrabi*, *supra*. In as much as the respondent has failed to satisfy the lower burden of proof required for asylum, it follows that she has failed to satisfy the clear probability standard of eligibility for withholding of removal. *INS v. Cardoza-Fonseca*, 480 U.S. 421 (1987); *Matter of Mogharrabi*, *supra*.

Accordingly, the service's appeal is sustained. The Respondent's application for asylum is denied.

S/ Neil P. Miller
For the Board

IMMIGRATION COURT
550 Kearny St. , Suite 800
San Francisco, CA 94108

In the Matter of: Case No: A78-654-456

Satre-Buisson, Catherine Louise

Applicant In Asylum-Only Proceedings

On Behalf of the Applicant On Behalf of the INS

Order of the Immigration Judge

This is a summary of the oral decision entered on Jul 13, 2001 and is issued solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

Order: It is hereby ordered that the applicant's request for:

[X] 1. Asylum is:

[X] Granted
[ ] Withdraw
[ ] Denied

[ ] 2. Withholding of Removal under INA 241(b)(3) is:

[ ] Granted
[ ] Withdraw
[ ] Denied

[ ] 3. Withholding of Removal under the Convention Against Torture is:

[ ] Granted
[ ] Withdraw
[ ] Denied

[ ] 4. Deferral of Removal under the Convention Against Torture is:

Granted.

Date: Jul 13, 2001

S/ MIRIAM HAYWARD
Immigration Judge

Appeal: S/ Service
Appeal due by: 8/13/01